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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,192	02/15/2002	Jay Lawrence	10641-009-999	9516
20583	7590	10/08/2004	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			NGUYEN, TAN D	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,192

Applicant(s)

LAWRENCE ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1-2, 6-9 (method¹), 10-14 (system¹), 15 (software¹), 18-19, 20-21, 25 (method²) are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WEINSTEIN et al (Us 2001/0026609).**

As for independent method claims 1, 20, WEINSTEIN et al discloses in a communication network-based system, a method for administering an on-line fundraising event comprising:

- (a) maintaining a web site (page) accessible by network users:
- (b) hosting an on-line fund-raising auction of goods or services in the name of fundraising entity, the goods or services not owned or provided by the fund-raising entity;

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(c) auctioning the goods or services to users visiting the web sites;

(d) receiving payment from a user successfully bidding on a good or service for auction; and

(e) allocating a portion of payment to the fund-raising entity

{see [0025, 0026, 0120, 0121], Figs. 22-23}. Alternatively, the minor adjustment of well known fundraising operating parameters/variables such as type of good/service, portion of payment, etc., is within the skilled of the artisan and would have been obvious.

As for dep. claims 2 or 21, this is shown on Fig. 22.

As for dep. claims 6-7, 25, these are taught in [0008, 0025-0026].

As for dep. claim 8, this is shown in Fig. 22.

As for dep. claim 9, this is shown in [0026].

As for indep. system claim 10, which is to carry out the method of claim 1, it's rejected for the same reason set forth in claim 1 above.

As for dep. 11-14 (part of 10), which have similar limitations as in dep. claims 2, 6-7, 9, respectively, they are rejected for the same reasons set forth in dep. claims 2, 6-7, 9 above.

As for indep. Software program of claim 15, which is to carry out the method of claim 1, it's rejected for the same reason set forth in claim 1 above.

As for dep. 18-19 (part of 15), which have similar limitations as in dep. claims 6, 9, respectively, they are rejected for the same reasons set forth in dep. claims 6, 9 above.

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4. Claims 3-5, 16-17 and 22-24 rejected under 35 U.S.C. 103(a) as being unpatentable over WEINSTEIN et al as applied to claims 1-2, 6-9, 10-14, 15, 18-19, 20-21 above, and further in view of CA 2,254,378.

As for dep. claims 3, 16, 22, with respect to rebate as indicated in these dep. claims, CA 2,254,378 is cited to teach well known incentive to good will donor by donating the rebate amount from merchant to charity (see abstract). It would have been obvious to modify WEINSTEIN et al by further including additional motivation to donor by giving the rebate amount from a transaction to charity as taught by CA 2,254,378 above.

As for dep. claims 4-5, 17, 23-24 which deals with further minor limitations with fundraising campaign operating parameters/variables with respect to the rebate, these are routine experimentations and within the skilled artisan to adjust these parameters/variables for specific events or needs, absent evidence of unexpected results.

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5. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113 or <http://pair-direct@uspto.gov>.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov.


Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 305-7687. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn
October 1, 2004


DEAN T. NGUYEN
PRIMARY EXAMINER

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